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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Joint written statement submitted by Amnesty International, the International Federation of Human Rights, Human Rights Watch and Reporters sans Frontières, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[25 March 1998]

THE HUMAN RIGHTS SITUATION IN ALGERIA:
TIME FOR THE COMMISSION TO ACT

Joint statement by Amnesty International, the International Federation of Human Rights, Human Rights Watch and Reporters sans Frontières

1. On 15 October 1997, our four organizations issued a joint appeal to the international community and members of the United Nations Commission on Human Rights in particular, to act without delay in the face of the alarming human rights crisis in Algeria to set up an international investigation to ascertain the facts, examine allegations of responsibility and formulate recommendations with respect to the massacres and other abuses by all parties to the conflict.

2. Regrettably, this call went unheeded. More than four months later, violations of human rights in Algeria, far from receding, have reached unprecedented levels: the Government of Algeria, in this period, has continued to obstruct and denounce all efforts to establish a credible and impartial international mechanism to carry out such a mission.

3. Amnesty International, Human Rights Watch, the International Federation of Human Rights and Reporters sans Frontières therefore call upon the United Nations Commission on Human Rights, at its fifty-fourth session, to appoint a special rapporteur on the human rights situation in Algeria, who should carry out visits with thematic mechanisms and be supported by forensic and other technical experts. Given the scale and scope of human rights violations there, such a step is crucial to ensure a measure of ongoing international scrutiny of the situation, to express to the people of Algeria the concern of the international community, and to provide information and recommendations that will enable the Algerian Government and the international community to address effectively the continuing violence and human rights abuses.

4. The need for this initiative is clear. Although precise numbers are not known, there are some estimates that as many as 80,000 people have been killed since the beginning of the conflict in 1992, including some 2,000 in the past four months alone. At the end of December 1997 and beginning of January 1998, hundreds of men, women and children were shot, decapitated, hacked to death and burned alive by groups of assailants who fled the area after the killings. On 30 December 1997, some 300 people were killed in villages in the western province of Relizane, and on 11 January, more than 100 people were massacred in Sidi Hamed, south of Algiers. In addition to these large-scale slaughters, scores, often hundreds, of civilians are killed every week. Some of these attacks have been claimed by armed groups that are opposed to the Government and call themselves Islamic. There has yet to be any serious or transparent investigation into the facts regarding these killings, as well as numerous cases of torture, enforced disappearances, and other serious abuses.

5. The general failure of the Algerian authorities to bring to justice those responsible for gross human rights violations, the absence of a credible independent investigation into the killings and massacres, the restrictions imposed on Algerian and foreign journalists and international organizations, all contribute to perpetrating a situation of complete impunity where violence thrives on fear and silence.

6. For the past six years, armed groups have deliberately and arbitrarily targeted unarmed civilians, carried out indiscriminate attacks which have killed civilians, and abducted and raped women. Vulnerable people such as the elderly and children have been frequent victims of the armed groups, whose methods are unspeakably brutal. We have strongly and unequivocally condemned these atrocities, and have repeatedly called on the Algerian authorities to bring to justice those responsible for such crimes and to take the necessary measures to ensure the protection of the civilian population. We have also urged the Algerian authorities to ensure that the fight against violence must take place within the rule of law and in compliance with international human rights treaties to which Algeria is a party.

7. The Algerian authorities have blamed all the massacres and other killings on "terrorist" groups. They have not explained convincingly, however, why many of the massacres in the most heavily militarized regions of the country, some in close proximity to army and security forces barracks and outposts, took place without the army and security forces having intervened to stop the mass killings or to capture the attackers, who apparently fled undisturbed.

8. The large-scale massacres of the past year have been perpetrated against a backdrop of increasingly widespread violence and human rights abuses. Security forces have continued to be responsible for extrajudicial executions, "disappearances", abductions and torture. Thousands of cases of such violations have been brought to the attention of the Algerian Government, but no investigations are known to have been carried out. Moreover, the authorities have armed large sectors of the civilian population and encouraged the creation of paramilitary militias, in the process further drawing the civilian population into the conflict.

9. Since our appeal four months ago, a number of European Governments and the United States have publicly called on Algeria to cooperate with the United Nations special mechanisms and to facilitate investigations by international human rights organizations. There have been hearings on the situation before committees of the United States Congress, the European Parliament, and the parliaments of several European States. The European Union dispatched foreign ministry officials of the troika countries in mid-January. Within the United Nations, UNICEF supported the call for an international investigation. Secretary-General Kofi Annan had earlier deplored the continued killings in Algeria and offered to discuss with the Algerian Government ways of bringing an end to the spate of killings; Sadako Ogata, the High Commissioner for Refugees, appealed to European countries not to turn back Algerians to their country; Mary Robinson, the High Commissioner for Human Rights, requested information on the human rights situation in Algeria from across the whole United Nations system, while engaging in a high-level dialogue with the authorities. But these initiatives have not resulted in concrete steps that would shed light on the human rights situation or reduce the scale of abuses in Algeria.

10. The Algerian authorities have adamantly and consistently rebuffed these approaches and denounced any kind of international undertaking aimed at clarifying the human rights situation in the country. In spite of repeated entreaties by the High Commissioner for Human Rights and the European Union, in public and in private, the Special Rapporteurs on torture and on

extrajudicial, summary and arbitrary executions have not been allowed to carry out a joint visit to the country, even though the Algerian authorities had agreed in principle to these visits.

11. Algeria's rejection of any form of international scrutiny cannot be allowed to be the final word. The United Nations must take immediate, decisive and serious steps towards the establishment of a mechanism for an international investigation. In particular the Governments that currently make up the Commission on Human Rights must live up to their responsibilities and take steps to address the human rights crisis in Algeria in an effective manner. Ultimately, a thorough and credible investigation of Algeria's human rights situation can only happen on-site, with the cooperation of the Algerian Government. The step that we are urging, however, will help ensure an important degree of ongoing international scrutiny of that situation, and will provide a measure of solidarity with the people of Algeria.

12. We believe that an international investigatory mechanism is required by the gravity of abuses and by the policy of the Algerian Government to impede any independent international investigation. The Commission on Human Rights should appoint a special rapporteur on Algeria at its present session. This is a step that the Commission can and should take with or without the cooperation of the Algerian Government. The special rapporteur should be instructed to seek a joint mission to Algeria, along with relevant thematic mechanisms, and with other experts, including from outside the United Nations system, and representing a wide range of expertise in the fields relevant to the human rights situation in the country, namely: forensic anthropology, torture, summary, arbitrary or extrajudicial executions and killings, "disappearances", violence against women and children, and internal displacement.

13. Whether or not such a request is granted, he or she should be provided with sufficient resources and authority to investigate, with the assistance and collaboration of the special mechanisms and working groups of the Commission on Human Rights, the gross and systematic abuses of human rights committed by armed groups and by security forces in Algeria, and should be instructed to submit an interim report of his or her findings and recommendations to the General Assembly no later than 30 June 1998, and a final report to the fifty-fifth session of the Commission in March 1999. The special rapporteur should propose a long-term human rights plan to be coordinated by the High Commissioner for Human Rights. This plan should include gender-specific recommendations to address the occurrence of rape and sexual abuse, and should integrate activities of the relevant United Nations agencies and departments concerning Algeria.